

JAMES DONINI
CLERK

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SEP 19 2005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

05 SEP 21 AM 11:49

UNITED STATES OF AMERICA,
LEONARD GREEN, Clerk
Plaintiff,

v.

SAMUEL A. ASHLEY JR.

Defendant.

Case No. 1:02-CR-22

1:04-CV-689

MOTION TO PROCEED IN FORMA PAUPERIS

Now comes the defendant, Samuel A. Ashley Jr., pro se, who respectfully requests that this Honorable Court grant this motion for the defendant to proceed without prepayment of costs or filing fees.

This request is to be able to appeal the decision that this Honorable Court made and denied the defendant's motion for discovery.

This motion is accompanied by a memorandum and affidavit/ declaration.

For all of the reasons stated above and in the memorandum in support of, the defendant respectfully requests that this Honorable Court grant this motion.

RESPECTFULLY SUBMITTED

Sam Ashley Jr. #40656-061
Federal Prison Camp
P.O. Box 6000
Ashland KY 41105-6000

Case No. 1:02-CR-22
1:04-CV-689

(2)

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, Samuel A. Ashley Jr., am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>9.00</u>	\$ <u>0</u>	\$ <u>5.28</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>5.00</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>5.28</u>	\$ <u>0</u>	\$ <u>5.25</u>	\$ <u>0</u>

(3)

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Prison Job</u>	<u>FPC Ashland</u>		<u>\$.25 (five dollars</u> <u>\$ twenty five cents</u> <u>\$</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer 0 _____ _____ _____	Address 0 _____ _____ _____	Dates of Employment _____ _____ _____	Gross monthly pay \$ 0 \$ _____ \$ _____ \$ _____
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4. How much cash do you and your spouse have? \$0 _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution 0	Type of account	Amount you have	Amount your spouse has
		\$ _____	\$ _____
		\$ _____	\$ _____
		\$ _____	\$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home n/a
Value

Other real estate
Value _____

Motor Vehicle #1
Year, make & model _____
Value _____

Motor Vehicle #2
Year, make & model _____
Value _____

Other assets
Description none
Value _____

(4)

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
0	\$ 0	\$ 0
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
Keely Chantel Dunham	daughter	9
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0	\$ 0
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 8.00	\$ 0
Clothing	\$ 2.00	\$ 0
Laundry and dry-cleaning	\$ 1.00	\$ 0
Medical and dental expenses	\$ 0	\$ 0

(5)

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 0	\$ 0
Recreation, entertainment, newspapers, magazines, etc.	\$ 0	\$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 0	\$ 0
Life	\$ 0	\$ 0
Health	\$ 0	\$ 0
Motor Vehicle	\$ 0	\$ 0
Other: <u>0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Installment payments		
Motor Vehicle	\$ 0	\$ 0
Credit card(s)	\$ 0	\$ 0
Department store(s)	\$ 0	\$ 0
Other: <u>0</u>	<u>\$ 0</u>	<u>\$ 0</u>
Alimony, maintenance, and support paid to others	\$ 0	\$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$ 0
Other (specify): <u>Personal Hygiene</u>	<u>\$ 3.00</u>	<u>\$ 0</u>
Total monthly expenses:	\$ 14.00	\$ 0

(6)

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I earn \$5.25 per month working in the prison. I have to buy my own stamps, toothpaste, soap, floss, and now the BOP wants me to pay \$2.00 every time I have to go to medical. I have no money. This government took every single thing I had, now they want more? Plus I have to pay \$25 per quarter on my \$43,000. I can't pay a dime.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 9-15, 2005

Sam Ashby
(Signature)

Date: 09/13/2005
 Time: 9:31:35 am

Facility: ASH

Federal Bureau of Prisons
 TRUFACS
Inmate Statement
 Sensitive But Unclassified

Inmate Reg#: 40656061
 Inmate Name: ASHLEY, SAMUEL ALVIN JR
 Current Site Name: Ashland FCI
 Housing Unit: BLUE

Living Quarters: B01-010L
 Arrived From: OKL
 Transferred To:
 Account Creation Date: 12/9/2003

General Information

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
ASH	03/05/2005 12:54:56 PM	ITS0305			ITS Withdrawal	(\$4.00)		\$5.83
ASH	03/06/2005 02:24:41 PM	ITS0306			ITS Withdrawal	(\$5.00)		\$0.83
ASH	03/07/2005 09:27:56 AM	5JV0055			Payroll - IPP	\$5.25		\$6.08
ASH	03/09/2005 07:06:07 PM	33311205			Western Union	\$140.00		\$146.08
ASH	03/10/2005 09:39:43 PM	ITS0310			ITS Withdrawal	(\$7.00)		\$139.08
ASH	03/11/2005 04:03:27 PM	33311405			Western Union	\$140.00		\$279.08
ASH	03/11/2005 04:50:44 PM	12			Sales	(\$137.70)		\$141.38
ASH	03/13/2005 07:05:30 PM	ITS0313			ITS Withdrawal	(\$6.00)		\$135.38
ASH	03/18/2005 06:22:31 PM	59			Sales	(\$68.00)		\$67.38
ASH	03/20/2005 02:35:36 PM	ITS0320			ITS Withdrawal	(\$4.00)		\$63.38
ASH	03/21/2005 08:19:42 PM	ITS0321			ITS Withdrawal	(\$6.00)		\$57.38
ASH	03/25/2005 06:03:43 PM	42			Sales	(\$45.70)		\$11.68
ASH	03/27/2005 01:11:15 PM	ITS0327			ITS Withdrawal	(\$3.00)		\$8.68
ASH	03/30/2005 09:49:48 PM	ITS0330			ITS Withdrawal	(\$5.00)		\$3.68
ASH	04/03/2005 04:48:06 PM	ITS0403			ITS Withdrawal	(\$3.00)		\$0.68
ASH	04/07/2005 09:48:20 AM	5JV0064			Payroll - IPP	\$16.80		\$17.48
ASH	04/08/2005 06:44:39 PM	ITS0408			ITS Withdrawal	(\$3.00)		\$14.48
ASH	04/10/2005 11:36:26 AM	ITS0410			ITS Withdrawal	(\$5.00)		\$9.48
ASH	04/11/2005 07:08:17 PM	ITS0411			ITS Withdrawal	(\$6.00)		\$3.48
ASH	04/17/2005 08:46:20 PM	ITS0417			ITS Withdrawal	(\$3.00)		\$0.48
ASH	05/03/2005 05:23:32 AM	70131801			Lockbox - CD	\$20.00		\$20.48
ASH	05/03/2005 05:00:21 PM	ITS0503			ITS Withdrawal	(\$4.00)		\$16.48
ASH	05/03/2005 06:49:04 PM	ITS0503			ITS Withdrawal	(\$6.00)		\$10.48
ASH	05/05/2005 02:17:18 PM	5IPP0405			Payroll - IPP	\$16.80		\$27.28
ASH	05/08/2005 07:43:15 PM	ITS0508			ITS Withdrawal	(\$7.00)		\$20.28
ASH	05/10/2005 04:54:21 PM	ITS0510			ITS Withdrawal	(\$8.00)		\$12.28
ASH	05/12/2005 07:39:22 PM	ITS0512			ITS Withdrawal	(\$6.00)		\$6.28
ASH	05/13/2005 05:39:51 PM	ITS0513			ITS Withdrawal	(\$6.00)		\$0.28
ASH	06/07/2005 08:47:18 AM	5IPP0505			Payroll - IPP	\$16.80		\$17.08
ASH	06/07/2005 04:47:39 PM	ITS0607			ITS Withdrawal	(\$7.00)		\$10.08

Date: 09/13/2005
 Time: 9:31:35 am

Facility: ASH

Federal Bureau of Prisons
 TRUFACCS

Inmate Statement
 Sensitive But Unclassified

Inmate Reg#: 40656061
 Inmate Name: ASHLEY, SAMUEL ALVIN JR
 Current Site Name: Ashland FCI
 Housing Unit: BLUE

Living Quarters: B01-010L
 Arrived From: OKL
 Transferred To:
 Account Creation Date: 12/9/2003

Transaction Details

Alpha Code	Date Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount	Encumbrance Amount	Ending Balance
ASH	06/11/2005 12:13:03 PM	ITS0611			ITS Withdrawal	(\$4.00)		\$6.08
ASH	06/12/2005 06:19:17 PM	ITS0612			ITS Withdrawal	(\$6.00)		\$0.08
ASH	07/08/2005 08:39:33 AM	5IPP0605			Payroll - IPP	\$16.80		\$16.88
ASH	07/08/2005 05:37:13 PM	ITS0708			ITS Withdrawal	(\$6.00)		\$10.88
ASH	07/09/2005 05:54:00 PM	ITS0709			ITS Withdrawal	(\$7.00)		\$3.88
ASH	07/16/2005 01:44:41 PM	ITS0716			ITS Withdrawal	(\$3.00)		\$0.88
ASH	08/05/2005 08:21:57 AM	5IPP0705			Payroll - IPP	\$5.25		\$6.13
ASH	08/05/2005 05:47:48 PM	ITS0805			ITS Withdrawal	(\$6.00)		\$0.13
ASH	08/06/2005 05:17:40 AM	70138501			Lockbox - CD	\$20.00		\$20.13
ASH	08/08/2005 04:58:00 PM	ITS0808			ITS Withdrawal	(\$8.00)		\$12.13
ASH	08/09/2005 05:53:21 PM	ITS0809			ITS Withdrawal	(\$4.00)		\$8.13
ASH	08/09/2005 09:04:15 PM	ITS0809			ITS Withdrawal	(\$4.00)		\$4.13
ASH	08/12/2005 05:24:48 PM	ITS0812			ITS Withdrawal	(\$4.00)		\$0.13
ASH	09/08/2005 08:14:56 AM	5IPP0805			Payroll - IPP	\$5.25		\$5.38
ASH	09/08/2005 04:42:18 PM	ITS0908			ITS Withdrawal	(\$5.00)		\$0.38
Total Transactions:		96				\$0.21	\$0.00	

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
ASH	\$0.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.38
Totals:	\$0.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.38